

**ARTICLE III. PROCEDURES FOR THE ~~PROTECTION OF HISTORIC~~
~~BUILDINGS~~ DEMOLITION OR REMOVAL OF BUILDINGS**

Sec. 8-32. Permit to demolish.

A. Purpose

1. The Jefferson City, Missouri, City Council finds and declares that:

a. Jefferson City has a rich historic heritage which is reflected in its people, culture, landmarks, downtown areas, riverfront, neighborhoods, cemeteries and historic structures such as buildings, monuments and other physical artifacts;

b. The aforementioned historic landmarks, sites, structures and objects that reflect and are a part of the heritage of Jefferson City should be preserved as a living part of our community in order to engender a respect for the past and for who we are now and in order to nurture the cultural and economic life of our City.

c. In the natural course of things, the historic landmarks, sites, structures and objects in Jefferson City are being lost or materially altered so as to destroy their historic character, and the Council finds that lack of planning causes or contributes to cause the unnecessary loss of historic landmarks, sites, structures and objects.

d. The public interest of Jefferson City will be served by the preservation of its historic landmarks, sites, buildings and other structures and objects in that such preservation will nurture the cultural and economic life of the community.

e. The present Jefferson City ordinances are inadequate to enforce the protection of the historic landmarks and buildings of Jefferson City.

2. The purpose of this Article is to provide a mechanism for the safe demolition of buildings and to enforce long-term planning and other mechanisms for the protection of the landmarks and buildings of the City of Jefferson which represent important elements of the city's cultural, social, economic, political and architectural history.

B. ~~A.~~ Permit Required. It shall be unlawful to demolish or remove without first ~~filing an application with the Director of Planning and Protective Services or his or her designee in writing and~~ obtaining a demolition permit from the Director of Planning and Protective Services in writing. Demolition shall be construed to include an act or process which destroys, in part or in whole, a building or structure or which threatens to destroy a building or structure by failure to maintain it in a condition of good repair and maintenance. A permit to demolish or remove shall not be issued until a release is obtained from the

utilities having service connections with the building. The release shall state that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. ~~Any application for demolition or removal shall be subject to a sixty (60) day review period by the CJHPC, except any application made to demolish or remove any building, structure or humanly constructed object built less than fifty (50) years prior to the date of application, which shall have been determined to have no historic or architectural significance by the Department of Planning and Protective Services under the criteria set out in paragraph C. Any recommendation by the CJHPC shall be advisory only.~~ Nothing in this section shall be construed so as to prohibit the building commissioner from acting under any emergency provisions of Chapter 8 of the Code of the City of Jefferson, Missouri. (Ord. No. 12941, §1, 6-21-99; Ord. No. 13106, §1, 9-5-2000)

~~B. Review Process.~~

- ~~1. Department. All applications for permission to demolish a building or structure shall be made to the Department of Planning and Protective Services. For any structure that is fifty (50) years old or older, the application must contain the following: 1) photographs, either in hard~~

~~copy or as digital files, of all exterior sides, interior rooms, and stairwells, taken within the last ninety (90) days; and 2) a statement from the owner addressing why the property cannot be rehabilitated or restored with a reasonable economic return to the owner. After examining an application and finding that it is in proper form, contains all necessary information, and complies with all applicable provisions of city ordinances, the department shall forward a copy of the application to CJHPC. (Ord. No. 15184, §1, 10-21-2013.~~

~~2. CJHPC. The CJHPC may have a sixty (60) day period for review of every application for a demolition permit subject to this section. The CJHPC shall establish procedures to expedite the review of applications for permits to demolish structures.~~

~~(Ord. No. 12941, §2, 6-21-99)~~

C. ~~Standards of Review for a Permit to Demolish.~~ Review Process.

1. Department of Planning and Protective Services.

a. All applications for permission to demolish a building shall be made to the Department of Planning and Protective Services. Subject to all other provisions of law, the Department shall have the authority immediately to issue

a permit to demolish a building unless said building is fifty years old or older and owned by the City of Jefferson or any private person or business entity.

b. For all Buildings Fifty Years Old or Older owned by the City of Jefferson or any private person or business entity: The application must contain the following: 1) photographs, either in hard copy or as digital files, of the building and of all exterior sides, interior rooms, and stairwells, taken within the last ninety (90) days of the building proposed to be demolished; 2) a comprehensive plan for the continued development of the property where the building is located; and 3) a statement with reasons in support of the application for demolition, including an analysis of the costs and hardship of repairing and/or restoring and maintaining the property without demolition; and an analysis of the value of the property with and without demolition. The Department of Planning and Protective Services, after determining that the application is complete and in proper form, shall refer any application to demolish a building which is fifty year old or older which is owned by the City of Jefferson or any private person or business entity to the City of Jefferson Historic Preservation Commission (CJHPC).

2. City of Jefferson Historic Preservation Commission

a. The CJHPC shall have ninety (90) days from receipt of the application by the CJHPC to review an application for a demolition permit of any building fifty years or older owned by the City of Jefferson or any private person or business entity. In the event that the application to demolish has not been denied or granted with conditions within ninety (90) days of receipt, the application shall be deemed granted.

b. Upon receipt of the application, the CJHPC shall immediately publish notice of the application by (a) posting a notice prominently and in public view on the property; and (b) publishing the notice in the newspaper on three (3) consecutive Sundays; and (c) mailing the notice by regular first class mail to all adjoining property owners of record; and (d) mailing the notice by regular first class mail to all persons on a registry of persons who shall have requested notice of building demolition. The notice shall invite written comments from any interested person and shall state the address to which such comments may be mailed, state the deadline for the receipt of comments, which shall be the first business day following the last Sunday on which the newspaper notice is filed, and state that only the applicant and persons who have filed comments will receive notice of the decision of the City of Jefferson Historic Preservation Commission.

c. The City of Jefferson Historic Preservation Commission shall establish and maintain a registry of all persons requesting notice of any application to demolish which comes before the CJHPC.

d. The City of Jefferson Historic Preservation Commission shall either grant the application, or grant the application with conditions, or deny the application.

e. The City of Jefferson Historic Preservation Commission shall immediately mail notice of its decision by certified mail, return receipt, to the applicant and by regular first class mail to all persons who have filed written comments.

3. City Council: Only the applicant to demolish shall have a right of appeal from the decision of City of Jefferson Historic Preservation Commission to the City of Jefferson City Council, and an applicant shall have an appeal right where denied an application to demolish or where granted an application with conditions. An applicant shall file an appeal within thirty (30) days of a denial or of the granting of a conditional application by filing same with the Jefferson City clerk in such form as shall be established by the Jefferson City Clerk. The City Council shall conduct a public hearing on the application de novo and shall grant the application, grant the application with conditions, or deny the application.

4. Circuit Court: Only a private person property owner or a business entity property owner shall have a right of appeal from the decision of the City of Jefferson City Council to the Cole or Callaway County Circuit Court, and an applicant shall have an appeal right where denied an application to demolish or where granted an application with conditions. An applicant shall file an appeal within thirty (30) days of a denial or of the granting of a conditional application by filing a Petition with the Cole County Circuit Clerk or Callaway County Circuit Clerk (depending upon which county the property is located in). The Circuit Court shall hear the cause de novo. The Circuit Court shall enter judgment granting the application to demolish, granting the application with conditions, or denying the application to demolish. The Court may deny the application only if the Court finds a) that the Petitioner has the economic means, considering all of the reasonably available resources, to maintain the property without demolition; and b) that the property may be used to its highest and best use without demolition; and c) that the public's interest in protecting the historical character of the property outweighs the Petitioner's interests to be served by the demolition of the property. In any such proceeding before the Circuit Court, the parties shall be the property owner and the City of Jefferson, and the burden of proof shall rest upon the property owner to prove by the preponderance of the evidence that the property owner does not have

the economic means, considering all of the reasonably available resources, to maintain the property without demolition; and shall be upon the City of Jefferson to prove by the preponderance of the evidence that the property may be used to its highest and best use without demolition and that the public's interest in protecting the historical character of the property outweighs the Petitioner's interests to be served by the demolition of the property. In determining the public's interest in protecting the historical character of the property, it shall be the City of Jefferson's burden to produce evidence and the court shall consider the said evidence of the historic value of the building by reason of age or association with important figures or events; or by reason of the place of the building in the history of Jefferson City, the State of Missouri or the United States; or by reason of the building's embodiment of the distinctive characteristics of a type, period or method of construction; or by reason of the building's representation of the work of an historically notable architect, designer or draftsman; or by reason of the building's visual and spatial relationship to designated or potential historic landmarks or historical districts.

- ~~1. The historic value of the building or structure by reason of age or association with important figures or events; or as evidence of aspects of the history of Jefferson City, the State of Missouri or the United States; or~~

~~as an embodiment of the distinctive characteristics of a type, period or method of construction; or as a representation of the work of an historically notable architect, designer or draftsman;~~

~~2. The visual and spatial relationship of the building or structure to designated or potential historic landmarks or historical districts;~~

~~3. The state of deterioration or disrepair or structural unsoundness of the building or structure, and the practicability of rehabilitation. The CJHPC may request the applicant to submit documentation beyond that which is specified in the application in a form specified by the CJHPC or other information necessary to determine whether the property can be rehabilitated or restored with a reasonable economic return to the owner.~~

~~(Ord. No. 15184, §1, 10-21-2013)~~

~~D. Approval or disapproval. Within five (5) days after either:~~

~~1. the CJHPC's determination; or~~

~~2. the expiration of the sixty (60) day review period, whichever occurs first, the director of Planning and Protective Services shall approve or not approve the application. A negative recommendation by the CJHPC shall not be grounds for disapproval of the application.~~

~~(Ord. No. 14691, §2, 6-21-2010; Ord. No. 9154, § 1, 8-21-78; Ord. No. 10397, § 7, 4-1-85; Ord. No. 11737, § 1, 5-4-92; Ord. No. 12794, §2, 8-17-98)~~

Sec. 8-33. Permit fee.

No permit to remove or demolish a building shall be issued until a fee as set out in Appendix Y shall have been paid to the department of Planning and Protective Services or other authorized municipal agency.

(Ord. No. 9154, § 3, 8-21-78; Ord. No. 9534, § 1, 10-20-80; Ord. 14272, §5, 10-15-2007)

Sec. 8-34. Maintenance of vacated premises.

Whenever a building is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grade and the erection of the necessary retaining walls and fences in accordance with the provisions of Article 13 of the city's building code.

(Ord. No. 9154, § 4, 8-21-78)

Sec. 8-35. Grading of lot.

When a building has been demolished or destroyed by fire or other natural causes and no building operation has been projected or approved, the vacant lot shall be filled, graded and maintained to conform on all sides to the existing grades

and elevations of the adjacent property. Adjoining walls shall be left in an acceptable condition to prevent the harboring of insects, rodents or pigeons. The lot shall be maintained free from the accumulation of rubbish and all other unsafe or hazardous conditions which endanger the life or health of the public; provisions shall be made to prevent the accumulation of water or damage to any foundations on the premises of the adjoining property. Upon completion of the demolition, the lot shall be left in a state that is aesthetically acceptable to the director of Planning and Protective Services. In the event of a disagreement over the term "aesthetically acceptable," the matter shall be referred to the city council for final determination.

(Ord. No. 9154, § 5, 8-21-78)

Sec. 8-36. Suspension of permit.

Any demolition permit shall become invalid if the authorized work is not commenced within thirty (30) days after the issuance of the permit, or if the authorized work is suspended or abandoned for a period of ten (10) days after the time of commencing the work. All work including grading and lot re-construction must be completed within ninety (90) days after the time of commencing the work unless a written extension of time is issued by the Director of Planning and Protective Services.

(Ord. No. 9154, § 6, 8-21-78)

Sec. 8-37. Penalties.

Any person who shall violate any provision of this article shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed one hundred eighty (180) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

(Ord. No. 10397, § 8, 4-1-85; Code 1983, § 7-38; Ord. No. 11201, § 4, 4-17-89)

Secs. 8-38 ~~–8-48. Reserved.~~ Civil Remedy for Unpaid Fines

Whenever a property owner shall have been convicted of two or more misdemeanors for violations of any provision of this article with respect to a single property and the unpaid fines and costs for those convictions shall have aggregated to more than \$5,000.00, then the City of Jefferson may at its option and at any time until the fines and costs assessed for all of said misdemeanors are wholly paid bring an action in the Circuit Court of the county wherein the property is located to obtain a judgment in the amount of the unpaid fines and costs enforceable pursuant to the provisions of Section 511.350, RSMO. Such an action shall be in rem, and service of process in compliance with the Missouri Supreme Court Rules of Court for in rem actions shall be sufficient.

Secs. 8-39 – 8-48 reserved.

ARTICLE IV. PRESERVATION AND CONSERVATION

Sec. 8-39. Statement of Purpose.

A. The purposes of this article are to promote the educational, cultural, economic, and general welfare of the community by:

1. Providing a mechanism to identify and preserve the distinctive historic, archaeological and architectural characteristics of the City of Jefferson which represent elements of the city's cultural, social, economic, political and architectural history;
2. Fostering civic pride in the beauty and noble accomplishments of the past as represented in the city's landmarks and historic districts;
3. Conserving and improving the value of property designated as landmarks or within historic districts;
4. Providing for economic benefits to encourage business and residential owners to locate and invest in historically significant properties;
5. Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors and shoppers, and thereby supporting and promoting business, commerce and industry, and providing economic benefit to the city;

6. Fostering and encouraging preservation, restoration and rehabilitation of the city's historic structures, areas and neighborhoods;
7. Promoting the use of historic districts and landmarks for the education, pleasure and welfare of the people of the city; and
8. Promoting the identification, evaluation, protection and interpretation of the prehistoric and historic archaeological resources within the corporate limits of the city.

Sec. 8-40. Relationship Between Districts.

- A. An application for a designated district shall be evaluated on a sliding scale, depending upon the designation of the building, structure, site or object in question. The application shall be evaluated on the following criteria:
1. Most careful scrutiny and consideration shall be given to applications for designated landmarks and historic districts;
 2. Slightly less scrutiny shall be given to applications for designated conservation districts;
 3. Properties designated conservation district shall receive a decreasing scale of evaluation upon application; and
 4. The least stringent evaluation is applied to the neighborhood conservation planned district where the design standards are advisory in nature.

Sec. 8-41. Definitions.

Unless specifically defined, words or terms in appendix A of this article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this article its most reasonable application.

Sec. 8-42. Surveys and Research.

The City of Jefferson Historic Preservation Commission (CJHPC), as created by section 7-51 of the city code, shall undertake an ongoing survey and research effort in the City of Jefferson to identify neighborhoods, areas, sites, structures and objects that have historic cultural, archaeological, architectural or aesthetic importance, interest or value as part of the survey, and shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs. The CJHPC shall systematically identify potential landmarks and historic district and adopt procedures to nominate them based upon the following criteria:

- A. The potential landmarks and historic district which are in an identifiable neighborhood or distinct geographical area which have historic and/or cultural importance to the city;
- B. The potential landmark and historic districts are associated with a particular prominent person, a significant event or historical period;
- C. The potential landmarks and historic district exhibit a particular architectural style or school, or are associated with a particular architect, engineer, builder, designer or craftsman;

- D. The potential landmarks and historic districts contain historic, prehistoric and archaeological features, evidence and/or artifacts which have the potential to contribute to the understanding of historic and prehistoric cultures; or
- E. Such other criteria as may be adopted by the CJHPC to assure the systematic survey and nomination of all potential landmarks and historic districts within the city.

(Ord. 13251, 8-20-2001; Ord. 14088, §2, 8-7-2006)

Sec. 8-43. Reserved.

Sec. 8-44. Nomination of Historic Districts.

- A. Application/Nomination. Applications for nomination of an historic district shall be made to the CJHPC by at least seventy-five percent (75%) of all owners of record. Forms and criteria for nomination will be available at the office of the Department of Planning and Protective Services. Applications must be submitted to the department; the department shall forward applications to the CJHPC. Each historic district must be nominated by a separate application. Each historic district must be designated by a separate

ordinance. The designation of a historic district shall in no way alter the uses permitted by the existing zoning district of the property so designated.

- B. Notice. Upon receipt of an application for nomination of an historic district, the department shall notify the property owners within the proposed district of the application, arrange for a time and place of a meeting, and invite all interested persons to appear and be heard.
- C. Criteria for Nomination. The criteria for nomination shall apply to applications for designation of historic districts and landmarks. The CJHPC shall, after such investigation as it deems necessary, make a determination as to whether a site, structure, object or area qualifies for nomination pursuant to one (1) or more of the following criteria:
1. Its character, interest, or value as part of the development, heritage or cultural characteristics of the community, county, state or nation;
 2. Its location as a site of a significant local, county, state or national event;
 3. Its identification with a person or persons who significantly contributed to the development of the community, county, state or nation;
 4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials;

5. Its identification as a work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state or nation;
6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
7. Its embodiment of design elements that make it structurally or architecturally innovative;
8. Its unique location or singular physical characteristics that make it an established or familiar visual feature; or
9. Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance.

Any site, structure, object, or area that meets one (1) or more of the above criteria, shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

D. Appeals. A decision by CJHPC to deny an application for nomination may be appealed to the planning and zoning commission in accordance with the provisions of Chapter 35 of the Code of Jefferson City.

Sec. 8-45. Nomination of Landmarks

- A. Application/Nomination. Applications for nomination of a site, structure or object as a landmark shall be made to the CJHPC. Forms and criteria for nomination will be available at the office of the Department of Planning and Protective Services. Each landmark must be nominated by a separate application. Each landmark must be designated by a separate ordinance. The designation of a landmark shall in no way alter the uses permitted by the existing zoning district of the property so designated.
- B. Notice. Upon receipt of an application for nomination of an historic landmark, the department shall notify the property owners within the proposed district of the application, arrange for a time and place of a meeting, and invite all interested persons to appear and be heard.
- C. Public Owner. Applications for nomination of a public landmark shall be made by the city or other owner.
- D. Private Owner. Applications for nomination of a private landmark shall be made by one hundred percent (100%) of the owner(s) of the property or structure.

Sec. 8-46. Procedure for review following designation of landmark or historic districts.

- A. Building Permit Standards. After a landmark or historic district is designated by ordinance each, application for building permit within the area so designated shall be referred to the CJHPC for review at a regularly scheduled CJHPC meeting. Applications shall be submitted a minimum of ten (10) days prior to the meeting of the Commission. If the CJHPC makes no report within forty-five (45) days of receipt of the application, it shall be considered to have made a report approving the application.
- B. Design Criteria. The CJHPC shall prepare and adopt specific design criteria as it deems necessary to supplement the provisions of this ordinance. Within each of the designated categories, the design criteria will be applied more stringently to properties of greater significance than those with lesser significance as determined by their respective designation. The CJHPC may from time to time amend and supplement to the criteria used for review of historic districts and landmarks. The CJHPC must first approve additional design criteria not listed in this chapter, and any changes thereto, before the criteria or changes shall become effective. (Ord. No. 12794, § 1, 8-17-98).

Sec. 8-47. Definitions.

Unless specifically defined words or terms of this article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this article its most reasonable application.

Adaptive use. The process of changing the use of a structure or property to a use other than that for which the structure or property was originally designed or a use for a structure or property other than the use for which it was originally designed. (Sometimes called “adaptive reuse”).

Alteration. Any act or process that changes one (1) or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.

Architectural attributes. Those physical features of buildings and structures that are generally identified and described as being important products of human thought and action characteristic of a population or community.

Certified local government (CLG). A program of the National Park Service designed to promote the preservation of prehistoric and historic sites, structures, objects, buildings and historic districts by establishing a partnership between the local government, the state historic presentation department and the National Park Service. A certified local government carries out the purposes of the National Historic Preservation Act, as amended. Each certified local government is required

to maintain a system of ongoing surveys compatible with the Missouri Historic Preservation Department process.

CJHPC. The City of Jefferson Historic Preservation Commission.

Commissioners. Members of the City of Jefferson Historic Preservation Commission.

Consent. The vote as cast by owners holding majority interest in a parcel of real estate. For purposes of this article, only one (1) vote per parcel may be cast.

Conservation district. Any area designated by the CJHPC in accordance with this section as an area containing any physical features or improvements or both which are of historical, social, cultural, architectural or aesthetic significance to the city and cause such area to constitute a distinctive section of the city. This overlay zone may be used for areas which have distinctive characteristics that are worthy of conservation, but lack sufficient historical, architectural or cultural significance to qualify as historic areas.

Contributing (or contributory). A significant building, site, structure or object which adds to the architectural qualities, historic association or archeological value of an historic district because:

A. It was present during the pertinent historic time;

- B. It possesses integrity and reflects its significant historic character or is capable of yielding important information about the pertinent historic period;
or
- C. It independently meets the standards and criteria of this article.

Cultural attributes. All of the physical features of an area that, either independently or by virtue of their interrelationship, are generally identified and described as being important products of human thought and action characteristic of a population or community. Accordingly, the term “cultural attributes” necessarily includes “architectural attributes” as that term is defined in this section. The term “cultural attributes” does not refer to the characteristics or beliefs of people who may reside in or frequent a particular area.

Cultural resource. Districts, sites, structures, objects and evidence of some importance to a culture, a subculture or community for scientific, engineering, art, tradition, religious or other reasons significant in providing resources and environmental data necessary for the study and interpretation of past lifestyles, and for interpreting human behavior.

Department. The Department of Planning and Protective Services of the City of Jefferson, Missouri.

Design criteria. A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

Designation. Official recognition of an historic landmark, conservation or historic district by the city council according to the procedures and provisions in this article.

Endangered resource. A resource under a known or anticipated threat of damage to the integrity or existence of the resource, such as:

- A. An immediate threat which will result in loss of or collapse of a structure;
- B. An immediate threat or destruction by private action; or
- C. Condemnation for code violations. (Sometimes referred to as a “threatened resource”).

Exterior architectural appearance. The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Facade. The exterior face of a building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.

Historic district. An area designated as an historic district by ordinance of the city council and which may contain within definable geographic boundaries one (1)

or more significant sites, structures or objects, and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless to the overall virtue characteristics of the significant sites, structures or objects located within the historic district.

Historic preservation. The study, identification, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archeology or culture of the city, state or nation.

Historically or architecturally significant. Possessing that quality present in an area, site, structure, object or district because it:

- A. Is associated with an event or events that significantly contributed to the broad patterns of the history or architectural heritage of the city, county, state or nation;
- B. Is associated with the life or lives of a person or persons significant in the history of the city, county, state or nation;
- C. Embodies distinctive characteristics of a type, design, period or method of construction;
- D. Represents the work of a master designer or architect or possesses high architectural value;

- E. Exemplifies the cultural, political, economic, social or historic heritage of the city;
- F. Contains elements of design, detail, material or craftsmanship which represent a significant construction innovation;
- G. Is part of or related to a square, park or other distinctive area that was or should be developed or preserved according to a plan based on an historic or architectural motif;
- H. Is an established and familiar visual feature of a neighborhood or the entire community; or
- I. Has yielded, or is likely to yield archeological artifacts and/or information.

Key contributing. A site, structure or object of such an outstanding quality and state of conservation that it significantly adds to the architectural qualities, historic association or archeological values of an historic district because:

- A. It was present during the pertinent historic time;
- B. It possesses and reflects its significant historic character or is capable of yielding important information about the pertinent historic period; and
- C. It independently meets the standards and criteria of the article.

Landmark. A site, structure or object designated as a landmark by ordinance of the city council, pursuant to procedures prescribed herein, that is worthy of

rehabilitation, restoration and preservation because of its historic and/or architectural significance to the city.

Landscape feature. Any element or component of outdoor open space including, but not limited to, fences, walls, retaining walls, gates, sidewalks, walkways, driveways, parking lots, patios, terraces, decks, ground cover, trees, plants, outdoor furniture, exterior light standards, fountains, statuary, detached signs, and other such elements.

Marker. A sign used to label or identify a designated landmark or historic district as an architecturally significant property.

National Register. The current National Register of Historic Places established by passage of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 et seq. as amended.

Noncontributing (or noncontributory). A site, structure or object that does not add to the architectural qualities, historic association or archeological values of a landmark or historic district because:

- A. It was not present during the pertinent time;
- B. Due to alterations, disturbances, additions or other changes, it no longer possesses integrity nor reflects its significant historic character or is

incapable of yielding important information about the pertinent historic period; or

C. It does not independently meet the standards and criteria of the ordinance.

Normal maintenance and repair. Any improvement or work for which a building permit is not required by city ordinance designed to correct deterioration, decay or damage and restore, as may be practical, a structure or property to the condition that existed prior to the deterioration, decay or damage.

Object. Those physical items that have functional, aesthetic, cultural, historical or scientific value and are relatively small in scale and simply constructed. While an object may be, by nature or design, movable, it should be located in a specific setting or environment appropriate to its significant historic use, role or character. Objects include sculptures, monuments, street signs, fence posts, hitching posts, mileposts, boundary markers, statuary and fountains.

Owner(s) of record. Those individuals, partnerships, firms, corporations, public agencies or any other legal entity holding title to property, but not including legal entities holding mere easements or leasehold interests. (May also be referred to as “property owner(s)”). Current owner(s) of record are those listed as owners on the records with the Cole County Recorder of Deeds.

Period. A chronological division identified in the analysis of the historical development to an area or region (i.e., Victorian, Modern).

Protection. The application of measures to defend, guard, cover or shield a building, site, structure or object from deterioration, loss, attack, danger, or injury. In the case of buildings, structures or objects such measures generally are of a protective nature and usually precede preservation measures. In the case of archeological sites, the protective measures may be temporary or permanent.

Reconstruction/reconstruct. The reproduction of the exact form and detail of a vanished building, site, structure or object or a part thereof, as it appeared at a pertinent time using both original and modern materials and based on precise historical documentation and physical evidence.

Rehabilitation/rehabilitate. The act of returning a site, structure or object to a useful state through its repair and/or alteration while retaining the characteristic features of the property which are significant to its historical and architectural value.

Remodeling. Modification and modernization of a structure or property without striving to return to or replicate the original historical and architectural character of the structure or property.

Removal. Any relocation of a structure in whole or in part on its site or to another site.

Repair. Any change to a structure or object that is not construction, removal or alteration.

Resource. Any site, structure, object or area that constitutes a source of present and future usefulness.

Restoration/restore. The act of accurately recovering the form and details, based on precise historical documentation and physical evidence, of a building, site, structure or object as it appeared at a pertinent time including the removal of improvements that are not appropriate and the replacement of missing or deteriorated features.

Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archeological value regardless of the value of any existing structure. Examples of sites include habitation sites, burial sites, village sites, hunting and fishing sites, ceremonial sites, battlefields, ruins of historic buildings and structures, campsites, designed landscapes, natural textures, springs and landscapes having cultural significance.

Stable. The area is expected to remain substantially the same over the next twenty (20) year period with continued maintenance of the property. While some changes in structures, land uses and densities may occur, all such changes are expected to be compatible with surrounding development.

Stabilizing. The area is expected to become stable over the next twenty (20) year period through continued reinvestment, maintenance or remodeling.

Standards. The Secretary of Interior's Standards for the Treatment of Historic Properties, codified as 36 CFR 68 in the July 12, 1995 Federal Register (Vol. 60, No. 133), and as revised from time to time.

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing: buildings, fence, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennas, including supporting towers and swimming pools.

Style. The specific identifying characteristics of a building both as it appears to the eye and as it is known to exist in design and structure.

Survey. An architectural and historical examination of historic resources to identify historic properties within an area.

(Ord. No. 12794, Appendix A, 8-17-98)